Nalco Docket No.: 7744-NES

OFFICIAL

REMARKS

This is in reply to the Office Action mailed on November 30, 2005 ("Office Action").

Claims 1-20 are currently pending.

Claims 11-12 and 18-19 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-13 are rejected under 35 U.S.C § 102(b) over U.S. Patent 4,588,508 ("Allenson").

Claims 1-2, 5-8 and 13 are rejected under 35 U.S.C § 102(b) over U.S. Patent 3,549,542 ("Holderby").

Claims 1-13 are rejected under 35 U.S.C § 102(b) over U.S. Patent 6,262,168 ("Huang").

Claims 1-20 are rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,342,530 ("Aften") and optionally in view of U.S. Patent 4,588,508 ("Allenson") and/or U.S. Patent 6,262,168 ("Huang").

The specification is amended to correct obvious errors.

Claims 1-13, 18 and 19 are cancelled without prejudice to reduce the matters at issue.

Claim 14 is amended to particularly point out and distinctly claim subject matter which Applicant regards as his invention.

New claims 21-26 are added to particularly point out and distinctly claim subject matter which Applicant regards as his invention. Support for this amendment is found in the specification at page 7, lines 7-11, page 8, lines 23-26 and original claims 14, 16, 18 and 20.

No new matter is added by this amendment.

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DISCUSSION

The Rejections under 35 U.S.C. § 112, second paragraph.

Claims 11-12 and 18-19 are rejected under 35 U.S.C. § 112, second paragraph.

Applicant has cancelled claims 11-12 and 18-19, thereby rendering this rejection moot.

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph for not specifying the type of molecular weight.

Applicant respectfully traverses this rejection.

Claims 1-13 are cancelled. Claims 14 and 15 are amended to clarify that the recited molecular weights are number average molecular weights. Accordingly, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

The Rejection of Claims 1-13 under 35 U.S.C § 102(b) over U.S. Patent 4,588,508

Claims 1-13 are rejected under 35 U.S.C § 102(b) over U.S. Patent 4,588,508 ("Allenson").

Applicant has cancelled claims 1-13 thereby rendering this rejection moot.

The Rejection of Claims 1-13 under 35 U.S.C § 102(b) over U.S. Patent 4,588,508

Claims 1-13 are rejected under 35 U.S.C § 102(b) over U.S. Patent 4,588,508 ("Allenson").

Applicant has cancelled claims 1-13 thereby rendering this rejection moot.

The Rejection of Claims 1-13 under 35 U.S.C § 102(b) over U.S. Patent 6,262,168

Claims 1-13 are rejected under 35 U.S.C § 102(b) over U.S. Patent 6,262,168 ("Huang").

Applicant has cancelled claims 1-13 thereby rendering this rejection moot.

The Rejection of Claims 1-20 under 35 U.S.C. § 103(a) over U.S. Patent 5,342,530 and optionally in view of U.S. Patent 4,588,508 and/or U.S. Patent 6,262,168

Claims 1-20 are rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,342,530 ("Aften") and optionally in view of U.S. Patent 4,588,508 ("Allenson") and/or U.S. Patent 6,262,168 ("Huang").

Applicant respectfully traverses this rejection.

Applicant respectfully asserts that Aften discloses a composition for inhibiting clay swelling in a down-hole formation comprising an aqueous solution of certain cationic polyectrolytes and salts. *See* Abstract. The salt component comprises about 10 to about 60, especially about 20 to about 50 weight percent of an additive composition which also comprises about one to about 20, preferably about 2 to about 10 weight percent of the polymer. *See* col. 4, lines 19-33.

Applicant has amended claim 14 to recite a stimulation fluid which does not contain added salt. Support for this amendment is found in the specification at page 5, lines 24-25 and page 8, lines 10-12. See also specification at page 2, lines 18-29 which discusses the disadvantages of added salt in stimulation fluids.

Applicant respectfully asserts that Aften does not teach or suggest a stimulation fluid which does not contain a substantial amount of added salt. Applicant further respectfully asserts that nothing in Aften teaches or suggests selecting the narrow genus of polymers of this invention from among the list of 21 classes of polymers recited at col. 3, lines 8-68 and incorporating them into a salt free stimulation fluid.

Applicant further respectfully asserts that Allenson and/or Huang, neither of which concerns stimulation fluids, cures this deficiency. More particularly, Applicant respectfully asserts that Allenson, which concerns mixtures of high and low molecular weight polymers for wastewater clarification, provides no motivation for selecting certain of the recited low molecular weight components of the two-component mixture and incorporating the polymer into the stimulation fluid of Aften.

Similarly, Huang teaches mixtures of at least two polymers for dewatering and clarification. One of the polymers must contain anionic monomers. See col.3, lines 44-45. Applicant respectfully asserts that nothing in Huang teaches or suggests incorporating certain of the cationic polymers from among the possible polymers disclosed for the second component of the polymer mixture and substituting the selected polymer into the method of Aften.

Finally, Applicant respectfully asserts that even if the proper polymer is selected from Allenson or Huang, Aften does not teach or suggest a stimulation fluid free of added salt. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-20 under 35 U.S.C. § 103(a) over Aften and optionally in view of Allenson and/or Huang.

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CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §§ 103(a) and 112, second paragraph and respectfully assert that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully Submitted,

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